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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,378	03/16/2006	Kazuyoshi Koizumi	NIF-107	5660
32628 7590 04/28/2009 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848				
EXAMINER RASHID, MAHBUBUR				
ART UNIT 3657		PAPER NUMBER		
MAIL DATE 04/28/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/572,378

**Applicant(s)**

KOIZUMI ET AL.

**Examiner**

MAHBUBUR RASHID

**Art Unit**

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

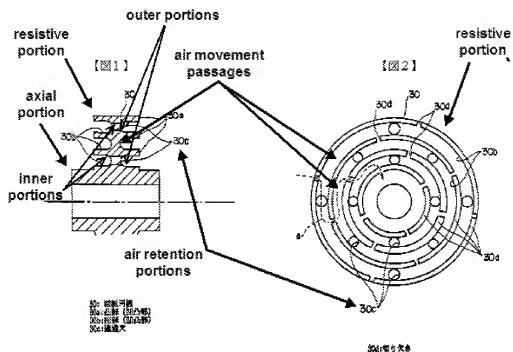
### ***Claim Rejections - 35 USC § 102***

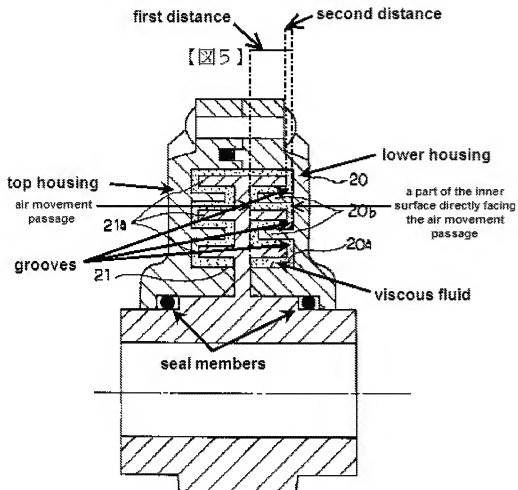
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-5, 11 and 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Ide Takanobu (JP 05-044760).





Regarding **claim 1**, Takanobu discloses a rotary damper comprising:

a housing (20);

a viscous fluid housed inside the housing (see fig. 5);

a rotor (see fig. 1, (1)) having a resistive portion (30a) which moves through said viscous fluid inside said housing provided in an axial portion whose one part projects from said housing, said rotor (1) having a smooth outer periphery extending continuously without interruption (see figs. 1 and 2); and

a sealing member (see fig. 5, the top and bottom seals between 20 and 30) preventing said viscous fluid from leaking between said axial portion and said housing, and

wherein said resistive portion (30a) includes multiple air retention portions (30c) provided in a circumferential direction, and air movement passages (see figs. 1 and 2, the depressed grooves between the portions 30c) connecting two of the air retention portions provided in the circumferential direction, and

said housing (20) has an inner surface facing the resistive portion (30a), a first distance (see fig. above) between the air movement passage (see figs. 1 and 2, the depressed grooves between the portions 30c) of the resistive portion (30a) and a part of the inner surface directly facing thereto, and a second distance (see fig. above) between a portion of the resistive portion radially away from the air movement passage (see figs. 1 and 2, the depressed grooves between the portions 30c) and a part of the inner surface directly facing thereto, said second distance being less than the first distance.

**Re-claim 3**, see the air retention portions (30c) and the air movement passage see figs. 1 and 2, the depressed grooves between the portions 30c and see also the figure above).

**Re-claim 4**, see the air retention portions (30c), the resistive portion (30) and the housing (20).

**Re-claim 5**, see the radially inner and outer portions (fig. 1; see also the figure above).

Regarding **claim 11**, Takanobu discloses a rotary damper comprising:

a housing (20);

a viscous fluid housed inside the housing (see fig. 5 and see also fig. above);

a rotor (see fig. 1, (1)) having a resistive portion (30a) which moves through said viscous fluid inside said housing provided in an axial portion whose one part projects from said housing, said rotor (1) having a smooth outer periphery extending continuously without interruption (see figs. 1 and 2); and

a sealing member (see fig. 5, the top and bottom seals between 20 and 30) preventing said viscous fluid from leaking between said axial portion and said housing, and

wherein said resistive portion (30a) includes multiple air retention portions (30C) provided in a circumferential direction, and said housing (20) includes a circumferential groove (see fig. 5 and the fig. above) facing the air retention portions (30c) and operating as an air movement passage (see figs. 1 and 2, the depressed grooves between the portions 30c) connecting two of the air retention portions (30c).

**Re-claim 12**, see the radially inner and outer portions (fig. 1; see also the figure above).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 6-10 and 13-14** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ide Takanobu (JP 05-044760) in views of Sugawara et al. (US 4,938,322).

Regarding **claims 6-10 and 13-14**, Takanobu disclose all claimed elements as set forth above but fails to disclose the circumferential extension arc shape or an elongated through-bore of the air retention portion as claimed. However, Sugawara discloses a damper device (figs. 5a-5d) with a rotor (6) having air retention portion extending circumferentially in an arc shape or the portion being formed by elongated through-bore (6c). It would have been obvious to one of ordinary skill in the art at the



time the invention was made to make the disc of Takanobu with the arc shaped air retention portion or the portions being formed by elongated through-bore as taught by Sugawara, because the arc shaped air retention portion being formed by elongated through-bore will accelerate the flow of viscous liquid to ensure a smooth movement of viscous liquid.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R./  
Examiner, Art Unit 3657

/Robert A. Siconolfi/  
Supervisory Patent Examiner, Art  
Unit 3657